

REMARKS

Claims 25-29 are pending in the present application.

Applicants appreciate the Examiner's thorough review and examination of the application to date. In the Office Action dated September 14, 2006, the Examiner continued to reject claims 1, 3, 7-12, 14-21, and 23-24 of the present application pursuant to 35 U.S.C. § 103(a) as being obvious in view of some combination of Japanese Patent Application Pub. No. JP 61165583 (Takeichi); U.S. Patent No. 4,811,507 (Blanchet); U.S. Patent No. 6,846,094 (Luk); and/or U.S. Patent No. 5,537,297 (Ghandehari). Although Applicants do not agree that these obviousness rejections are appropriate, Applicants have cancelled claims 1, 3, 7-12, 14-21, and 23-24.

In the Office Action dated September 14, 2006 and the subsequent Advisory Action dated November 7, 2006, the Examiner continued to reject claims 25 and 27 pursuant to 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,676,284 (Wynne Willson). Furthermore, claims 26 and 28-29 were rejected pursuant to 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 6,676,284 (Wynne Willson) in combination with various other prior art references.

Applicants respectfully point out that to anticipate a claim, a cited prior art reference must teach the actual structure and limitations set forth in the claim, and not a re-characterization of what the structure and limitations "reflect." In this case, and as previously discussed in response to a prior Office Action dated April 14, 2006, Wynne Willson teaches a linear lighting apparatus with a generally hollow construction comprised of an outer diffuser 12 and an inner diffuser 17. As illustrated in FIG. 9 (reproduced below), both the outer diffuser 12 and the inner diffuser 17 are hollow tubes spaced a distance apart from each other. The sectional hatching and shading to indicate curvature of the views in FIG. 9 confirm that there is empty space between

and inside of the outer diffuser 12 and the inner diffuser 17, and that both the outer diffuser 12 and the inner diffuser 17 are hollow (non-solid) tubes.

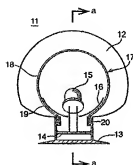
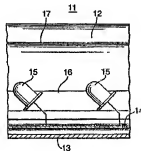


FIG. 9



In contrast, claim 25 of the present application recites a solid rod-like member, which readily distinguishes it from the hollow, tubular outer diffuser 12 and inner diffuser 17 in the linear lighting apparatus taught by Wynne Willson. Although the illumination device recited in claim 25 also includes an internal channel extending substantially along the predetermined length of the rod-like member for receiving a flexible circuit board, such a channel does not change the fact that the rod is essentially solid. The channel merely represents a space within the otherwise solid rod to receive the flexible circuit board and associated point light sources. Incorporating such a channel into the rod does not result in the hollow or tubular construction taught by Wynne Willson.

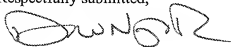
Furthermore, claim 25 recites that light is "directed along the predetermined length of

said rod-like member while also being urged out the light-emitting surface of said rod-like member," a result that is directly related to the solid nature of the rod-like member. Wynne Willson simply does not teach or suggest a solid rod-like member, such that light entering the rod-like member from the point light sources is directed along the predetermined length of the rod-like member while also being urged out the light-emitting surface of the rod-like member, thus causing a light intensity pattern that appears substantially uniform along the light-emitting surface of the rod-like member.

Finally, as mentioned above, claim 25 recites that the flexible circuit board is received in the internal channel of solid rod-like member. In Wynne Willson, FIG. 9 and the cited passages from the specification clearly show and describe the circuit board 14 mounted on the base 13 completely external to both the outer diffuser 12 and the inner diffuser 17. In short, Wynne Willson does not teach or suggest the flexible circuit board received in an internal channel defined by the solid rod-like member, as recited in claim 25.

Accordingly, Applicants respectfully submit that claim 25 is in condition for allowance. Claims 26-29 depend from claim 25 and are also each believed to be in condition for allowance.

Respectfully submitted,



David W. Nagle, Jr., Reg. No. 42,923
Jeffrey A. Haerberlin, Reg. No. 40,630
STITES & HARBISON, PLLC
400 W. Market Street
Louisville, Kentucky 40202-3352
Phone (502) 587-3400
Facsimile (502) 587-6391